

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CONVOLVE, INC.

vs.

DELL, INC., ET AL

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CASE NO. 2:08-CV-244-CE

**ORDER**

Pending before the court is Defendants' motion to exclude the survey and expert report of Dr. Kent Van Liere (Dkt. No. 334). To support its damages claim, plaintiff Convolve, Inc. hired Dr. Van Liere to conduct an April 2011 shopping mall intercept survey (the "Survey") to assess the value of the "Quick and Quiet" feature to computer purchasers in 2001. Defendants argue that the Survey is defective and inadmissible for multiple reasons. Having carefully reviewed the parties' arguments and the applicable case law, the court concludes that Dr. Van Liere's testimony meets the requirements of FED. R. EVID. 702. As such, the court DENIES Defendants' motion.

SIGNED this 8th day of July, 2011.

  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE